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Attorneys for Plaintiff and the Class

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

**CLAIRE C. HAGGARTY**, individually  
and on behalf of all others similarly situated,

Plaintiff,

vs.

**STRYKER ORTHOPAEDICS (aka**  
**STRYKER ORTHOPEDICS; aka**  
**STRYKER ORTHOPEDICS, INC.);**  
**HOWMEDICA OSTEONICS**  
**CORPORATION; STRYKER**  
**CORPORATION; and STRYKER SALES**  
**CORPORATION,**

Defendants.

Case No. CV-08-01609 JSW

**[Proposed] ORDER DENYING**  
**DEFENDANTS' MOTION TO**  
**DISMISS COMPLAINT PURSUANT**  
**TO FED. R. CIV. P. 12(b)(6)**

Date: September 26, 2008  
Time: 9:00 a.m.  
Ctroom: 2, 17th Floor

Honorable Jeffrey S. White

1 Defendants' motion to dismiss, brought pursuant to Fed. R. Civ. P. 12(b)(6), came  
2 on regularly before the Court on September 26, 2008. The parties were represented by  
3 their counsel of record herein.

4 Having considered the parties' briefs and related papers, and heard the arguments  
5 of counsel, the Court hereby ORDERS as follows:

6 Defendants' motion to dismiss is DENIED in its entirety. Defendants shall answer  
7 the complaint within ten (10) days after entry of this order.

8 **IT IS SO ORDERED.**

9  
10 Dated: \_\_\_\_\_

11 HON. JEFFREY S. WHITE  
12 UNITED STATES DISTRICT JUDGE  
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